REMARKS

Applicants respectfully request that should additional fees or a credit be associated with the filing of this paper, the additional fees or credit can be charged or credited to the undersigned Attorney's Deposit Account 10-0100.

Claims 26-30 and 32 are withdrawn.

Claims 14, 15 and 31 are rejected.

Claims 33-34 are added.

Applicants claim a pharmaceutical composition obtained from the whole fruit of Roystonea regia consisting of the whole fruit liquid extract (e.g. claims 33-34). El-Khalaty does not mention or contemplate a pharmaceutical composition, but merely the oil expressed from seeds for food use. El-Khalaty fails to recognize two key inventive aspects, namely (1) that a pharmaceutical composition can be obtained from the whole fruit of R. regia; and (2) the R. regia whole fruit liquid extract is a composition having in particular exceptionally large percentages of palmitic and palmitoleic acids, unlike the seed oil. The claims define a liquid extract with a specific lipid fraction obtained after subsequent steps of chemical hydrolysis and purification (e.g. claims 14, 15, 33-34). This further distinguishes the present invention from the seed oil disclosed in El-Khalaty.

The El-Khalaty acid proportions are distinctly different from those in the claimed liquid extract liquids. Specifically, applicant claims 1.5 up to 20.0% palmitoleic acid, whereas El-Khalaty has a preferred example of 0.8% palmitoleic

acid and teaches that no more than trace amounts "not exceeding 1.0%" are present in any seed oil (e.g. claims 14, 15 and 32 - 34).

Further, El-Khalaty identifies the palmitic acid component as 22.2% whereas present applicants claim up to 80.0% palmitic acid. Applicants' claimed liquid extract with exceptionally high palmitoleic and palmitic acids up to nearly 100.0% is distinctly different from El-Khalaty which discloses palmitic acid as a minor component, and palmitoleic acid in no more than in trace amounts and in all cases, "not exceeding 1%". Clearly, there are two different compositions for two different purposes.

Compositions of oils extracted from seeds and liquid extracts from whole fruits are not the same and are distinctly different. Indeed, it is well known by the specialists that kernel (or seed) oil is the lipid fraction extracted from the palm endosperm. This "kernel oil" is very different from the "palm oil" obtained from mesocarp of the fruit (see Table 1 below). Roystonea regia and Elaeis güinensis produce two types of oil: the palm oil from the mesocarp and the palm kernel oil from the nut (the endosperm).

Table 1 Fatty acid composition (%) of palm oil and palm kernel oil obtained from Elasie güinensis.

Fatty acid	Palm fruit oil	Palm kernel oil
C6:0	-	0.1-0.5
C8:0	-	3.4-5.9
C10:0	-	3.3-4.4
C12:0	0.1-1.0	46.3-51.1
C14:0	0.9-1.5	14.3-16.8
C16:0	41.8-46.8	6.5-8.9
C16:1	0.1-0.3	-
C18:0	4.2-5.1	1.6-2.6
C18:1	37.3-40.8	13.2-16.4
C18:2	9.1-11.0	2.2-3.4
others	0-1	Traces-0.9

The present invention is related to Roystonea regia fruit, not to the Cocos nucifera fruit argued in extenso in the Office Action. C. nucifera fruit is very different from R. regia fruit. Dr. Scott Zona teaches that the fruits of Roystonea genus are composed by a smooth epicarp that encloses an oily, fleshy mesocarp and a brittle to hard endocarp. The endocarp is spheroid or oblong with a small acute projection at the base and encloses a single seed. For the Roystonea genus, the physical and chemical differences between the seeds and the whole fruit are very well established. The chemical and physiological distinctions are shown in the references in the Information Disclosure Statement filed on April 6, 2010 in response to the January 7, 2010 office action.

Despite the foregoing distinctions, the Office Action concludes sua sponte that "El-Khalary (sic) expressly teaches the same composition taught by applicants based upon the fatty acid profile provided by El-Khalary (sic)". This conclusion is contrary to the facts, and most dramatically illustrated in claims 33-34.

Applicants respectfully request a point of clarification. Previously submitted Exhibit A makes clear, beyond serious dispute, that El-Khalaty discloses "0.8%" and not the misread "9.8%". El- Khalaty expressly states that the "palmitoleic acid" is present in trace amounts "not exceeding 1%". Applicants claim 1-5% up to more than 20x palmitoleic acid the El-Khalaty disclosed percentage (see claims 32-33). Query: Where is the "9.8%" found?

Applicants respectfully request a further clarification as to the evidence to support the conclusion that the El-Khalaty food seed oil and the claimed pharmaceutical composition have "similar characteristics, which they have been shown to share". Query: Where is the El-Khalaty pharmaceutical showing?

The Office Action rebuts applicants' distinction by a comparison of a coconut with R. regia, where because the etymology of the term "coconut" can variously mean a fruit, nut and/or seed, ergo (!), the term "seed" as applied to a R. regia fruit oil also means the "fruit of the palm" (!). This tautology does not render true the assertion that the claimed R. regia kernel and the R. regia whole fruit liquid extract have the same chemical composition. Applicants claim "consisting of" the "whole fruit", which negates the merits, if any, of the foregoing "seed"/"fruit" tautology. A coconut is a different fruit from a R. regia fruit, and the

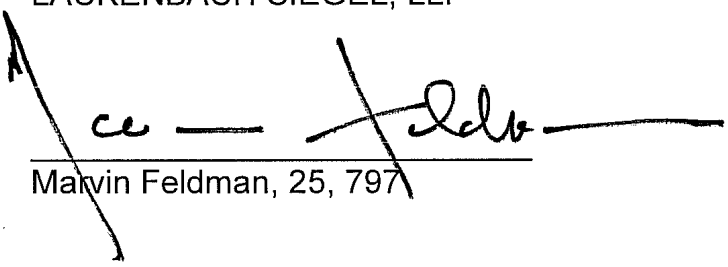
distinctive coconut nut containing the "yummy part we eat", is distinctly different from the R. regia seed. The liquid extract of the R. regia whole fruit has a chemical composition not disclosed in El-Khalaty; and taught away from as best demonstrated in claims 33-34.

For each and all of the foregoing lines of patentable distinction, the claims are allowable.

Applicants respectfully request an early Notice of Allowance.

Respectfully submitted,

LACKENBACH SIEGEL, LLP



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